

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL FORD, et al.,

Plaintiffs,

v.

[24]7.AI, INC.,

Defendant.

Case No. 18-cv-02770-BLF

**ORDER DIRECTING CLERK TO
 REOPEN CASE; AND SETTING CASE
 MANAGEMENT CONFERENCE FOR
 SEPTEMBER 10, 2020**

[Re: ECF 92, 93]

On July 16, 2020, the United States Court of Appeals for the Ninth Circuit (“Ninth Circuit”) issued a Memorandum finding that this Court had abused its discretion in dismissing the present action under the first-to-file rule because the first-filed action, *Pica v. Delta Airlines, Inc.*, presented a likelihood of dismissal. *See* Memorandum at 3, ECF 92. The Ninth Circuit vacated this Court’s dismissal order and remanded with instructions to stay the present action pending resolution of *Pica*. *See id.*

Pica was dismissed by the United States District Court for the Central District of California on February 14, 2019, and that dismissal was affirmed by the Ninth Circuit on July 16, 2020. *See Pica*, No. 19-55300 (9th Cir.). The mandate issued in the present case on August 7, 2020. *See* Mandate, ECF 93.

Because the *Pica* appeal was resolved prior to issuance of the Ninth Circuit’s mandate in the present case, it does not appear that any purpose would be served by staying the present action

1 at this time. Accordingly, the Clerk SHALL reopen the present action. The Court SETS a Case
2 Management Conference for September 10, 2020 at 11:00 a.m. The parties SHALL file a Joint
3 Case Management Statement on or before September 3, 2020, proposing an appropriate case
4 schedule and addressing the impact, if any, of the *Pica* dismissal on the present case.

5 **IT IS SO ORDERED.**

6
7 Dated: August 10, 2020



BETH LABSON FREEMAN
United States District Judge